

Exhibit 4

1
2 UNITED STATES DISTRICT COURT UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK SOUTHERN DISTRICT OF NEW YORK
Civil Case No. 13 CV 1432

- - - - -x

4 WILLIAM HENIG, on behalf of himself and
5 all others similarly situated,

Plaintiff,

-against-

7 QUINN EMANUEL URQUHART & SULLIVAN, LLP,
8 and PROVIDUS NEW YORK, LLC,
9 Defendants.

10 - - - - -x

11 233 Broadway
12 New York, New York
13 July 18, 2014
14 10:10 a.m.

15 PRIVILEGED - CONFIDENTIAL
16 SUBJECT PROTECTIVE ORDER

17 DEPOSITION of MICHAEL BELGRAIER, a
18 witness appearing on behalf of the
19 Defendants in the above-entitled action,
20 held at the above time and place, taken
21 before Brian Brenner, a Shorthand Reporter
22 and Notary Public of the State of New
23 York, pursuant to the Federal Rules of
24 Civil Procedure, Court Order and
25 stipulations between Counsel.

1 M. BELGRAIER - PRIVILEGED - CONFIDENTIAL

2 Q Mr. Belgraier, are you an
3 attorney?

4 A Yes.

5 Q Where are you admitted to
6 practice?

7 A New York.

8 Q When were you admitted?

9 A March 2014.

10 Q Is the State of New York the
11 only jurisdiction in which you're
12 admitted?

13 A Yes.

14 Q And when did you pass the Bar
15 exam?

16 A February 2013. I took the
17 February 2013 exam. I got my scores
18 months later.

19 Q When did you graduate from law
20 school?

21 A May 2012.

22 Q Where did you go?

23 A To Pace University School of
24 Law.

25 Q Where did you work since

1 M. BELGRAIER - PRIVILEGED - CONFIDENTIAL
2 graduating law school?

3 A At Quinn Emanuel.

4 Q So that's the only job you've
5 held?

6 A Yes.

7 Q When did you start there?

8 A Late August 2012.

9 Q Did you take the July 2012 Bar
10 exam?

11 A I did.

12 Q You hadn't found out at that
13 point in August 2012 whether you passed or
14 not?

15 A Correct.

16 Q How did you find --

17 MS. SCHULMAN: Strike that.

18 Q What's your position at Quinn
19 Emanuel?

20 A I am a contract attorney there.
21 Currently I am a contract attorney.

22 Q Was that the only position
23 you've held there, or was that your
24 position when you were hired?

25 A When I was hired there, I was

1 M. BELGRAIER - PRIVILEGED - CONFIDENTIAL

2 A Yes.

3 Q Did your pay change after you
4 were admitted to the Bar?

5 MR. KITCHENS: Objection. This
6 is completely irrelevant to whether
7 Mr. Henig was practicing law or not.

8 Q Please answer.

9 A As I understand it, my pay
10 increased as the normal increase is done
11 every year.

12 Q Annual increases?

13 A Yes, annual increase.

14 Q Not necessarily tied to being
15 admitted to the Bar?

16 A Correct.

17 Q But you started working on the
18 [REDACTED] project immediately when you started
19 employment with Quinn?

20 A Yes.

21 Q How long did you continue
22 working in that project?

23 A I continue to work on that
24 project.

25 Q To this day?

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2 A Yes.

3 Q Exclusively?

4 A Yes.

5 Q So that's the only project
6 you've worked on for the firm?

7 MR. KITCHENS: Objection.

8 A Yes.

9 Q When you first started at Quinn,
10 that was August 2012?

11 A Um-hmm.

12 Q Please say yes or no.

13 A Yes.

14 Q What was your role on the
15 project at that time?

16 A My role was to determine the
17 responsive nature of documents during
18 analysis of the documents and our fees and
19 request for production.

20 Q Were you first-level review,
21 second-level review?

22 A Second-level review.

23 Q What's the difference between
24 first-level review and second-level
25 review?

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2 A At 51 Madison.

3 Q Did you ever work at the offsite
4 location where the Providus contract
5 attorneys worked?

6 A From time to time.

7 Q How did you know where you were
8 working on a particular day?

9 MR. KITCHENS: Objection.

10 A Oh, we had a schedule calendar
11 that would tell you what date you were
12 going to be there and what room you would
13 be in.

14 Q Mr. Belgraier, are you familiar
15 with how the first-level reviewers did
16 their work, or are you only familiar with
17 how you did your work as a second-level
18 reviewer?

19 MR. KITCHENS: Objection.

20 A What do you mean by how they did
21 their work?

22 Q Do you know the guidelines that
23 they were subject to in performing the
24 document review?

25 A What guidelines?

1 M. BELGRAIER - PRIVILEGED - CONFIDENTIAL

2 MR. KITCHENS: Objection.

3 Q The guidelines that they had to
4 follow in coding documents.

5 MR. KITCHENS: Objection.

6 A I'm more familiar with the
7 guidelines I had to use in the performance
8 of my work.

9 Q So you're not familiar with the
10 differences between those guidelines and
11 the first-level review guidelines, if
12 there were any differences?

13 A I don't recall any.

14 Q The documents that you were
15 reviewing had already been marked in some
16 way by a first-level reviewer; is that
17 correct?

18 A Yes.

19 Q If a first-level reviewer had
20 marked a document responsive, could you
21 change that to not responsive?

22 A Yes.

23 Q Did you sometimes do that?

24 A Yes.

25 Q If you marked a document not

1 M. BELGRAIER - PRIVILEGED - CONFIDENTIAL
2 responsive, did that mean it that would
3 not be produced in litigation?

4 A Yes.

5 Q Would anyone review your
6 decision do mark a document not
7 responsive?

8 A I'm not familiar with any sort
9 of third level of review on not responsive
10 documents.

11 Q When you say you're not
12 familiar, do you mean that there was not a
13 third-level review or that you don't know
14 whether there was a third-level review?

15 A I don't know whether there was.

16 MR. KITCHENS: Is now a good
17 time to break?

18 MS. SCHULMAN: I guess.

19 [A recess was taken.]

20 MS. SCHULMAN: Back on the
21 record. Can I have the last question
22 and answer read back?

23 [Whereupon, the requested
24 portion of the record was read back by
25 the Court Reporter.]

1 M. BELGRAIER - PRIVILEGED - CONFIDENTIAL

2 Q Mr. Belgraiier, some of the
3 documents that you were reviewing as a
4 second-level reviewer had already been
5 marked as privileged, correct?

6 A Yes.

7 Q And you could change that tag to
8 not privileged?

9 A I could, yes.

10 Q A document that you reviewed
11 that had not yet been tagged privileged,
12 you could tag as privileged?

13 MR. KITCHENS: Objection.

14 A Yes.

15 Q If you changed a document with a
16 privileged tag from privileged to not
17 privileged, does that mean it would not be
18 reviewed on privilege review?

19 A I don't know.

20 Q Did you ever work on privilege
21 review?

22 A No.

23 Q Do you know what it is?

24 A Yes.

25 Q What's your understanding of

1 M. BELGRAIER - PRIVILEGED - CONFIDENTIAL

2 A To let him know if we notice
3 some non-work behavior, to let him know.

4 Q And then you responded on
5 October 10, 2012, correct?

6 A Yep.

7 Q Looking at or e-mail from that
8 day, the 3:34 p.m. e-mail, do you recall
9 what was happening with Mr. Henig?

10 A What e-mail is that, the 3:34?

11 Q Yes.

12 A I don't recall exactly what was
13 occurring, but if I read my e-mail, it
14 says he's sitting right next to me and
15 it's been a conspicuous amount of time of
16 no-views.

17 Q Meaning what?

18 A That he was not looking at
19 documents.

20 Q Now, do you recall anything
21 about the incident other than what's in
22 the e-mail?

23 A No.

24 Q And then there are a little more
25 back and forth between you and Mr. Reigler

1 M. BELGRAIER - PRIVILEGED - CONFIDENTIAL

2 Q Before and after you were
3 admitted to the Bar were you doing
4 second-level review?

5 A I was always performing
6 second-level review.

7 Q And from the day before you were
8 admitted to the day after you were
9 admitted, were there any differences in
10 your job?

11 A No.

12 Q And the difference is that has
13 happened because of differences in the
14 nature of the project?

15 A Correct.

16 MS. SCHULMAN: Let's take a
17 break.

18 [A recess was taken.]

19 MS. SCHULMAN: Back on the
20 record. I have no further questions.

21 EXAMINATION BY

22 MS. SUTTON:

23 Q Sir, you discussed earlier with
24 other counsel the term that was used a
25 target for documents per hour. Do you

1 M. BELGRAIER - PRIVILEGED - CONFIDENTIAL
2 recall that?

3 A Target? No. It was more like a
4 guideline, a general idea of how much you
5 should be able to review in an hour.

6 Q So was there a -- were you
7 familiar on the review of the term target
8 number of documents per hour?

9 A No.

10 Q Was there guidance as to how
11 many documents a reviewer should do an
12 hour?

13 A Generally it was stated as 50 to
14 60 an hour, but really it was, you know,
15 perform accurate review, accurate analysis
16 however long it would take.

17 Q And do you know one way or the
18 other if the guideline for first-level
19 reviewers and second-level reviewers was
20 the same?

21 A Yes.

22 Q So what was the guideline for
23 first-level reviewers, if you know?

24 A To accurately review up to 50 to
25 60 an hour, but as many as you could do in

1 M. BELGRAIER - PRIVILEGED - CONFIDENTIAL
2 performing their review?

3 A Those were the instructions that
4 we had and it's just not part of
5 performing the document review and legal
6 analysis.

7 Q What do you mean, these were the
8 instructions that we had?

9 A The instructions that we had
10 were to not rely on highlighted terms but
11 to read the document and then perform the
12 legal analysis based on the RFPs.

13 Q That was the training given to
14 the second-level reviewers?

15 A Um-hmm.

16 Q Please say yes or no.

17 A Yes.

18 Q But you were not present for any
19 of the training given to first-level
20 reviewers, correct?

21 A Correct.

22 Q Did you go to a licensed
23 attorney every time a first-level reviewer
24 came to you with a question about document
25 coding?

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2 A Yes.

3 Q I thought you said that you
4 would work it out with the first-level
5 reviewer at the time most of the time.

6 A I'm sorry, I might -- I thought
7 you meant -- oh, you can answer that
8 question, yes.

9 Q So you would only go to a
10 licensed attorney if you were unable to
11 resolve the first-level reviewer's
12 question?

13 A Yes.

14 Q But sometimes you would resolve
15 it with the first-level reviewer on your
16 own?

17 A Correct.

18 Q Mr. Belgraiier, what kind of
19 day-to-day supervision were you subject
20 to?

21 MS. SUTTON: Objection.

22 You can answer if you
23 understand.

24 A Can you clarify that, day-to-day
25 supervision?

1 M. BELGRAIER - PRIVILEGED - CONFIDENTIAL

2 Q Well, you said you were
3 supervised by licensed attorneys. How
4 were you supervised?

5 A They would provide instructions
6 and training and were available to answer
7 the questions that we had. There were
8 times if I had a question about a
9 document, I would be able to e-mail them
10 and they would be able to resolve my
11 questions.

12 Q Did that happen on a daily
13 basis?

14 A It happened from time to time.

15 Q Did you make most of your coding
16 decisions independently?

17 MS. SUTTON: Objection.

18 A Yes.

19 Q Please turn to Plaintiff's MB
20 Exhibit 2, the PowerPoint presentation.
21 Have a look at page QE00212052. The third
22 big bullet point has attorney as
23 custodians, the documents that list
24 attorney as custodian should be marked as
25 privileged. This instruction applied to